

22 August 1997

Re: NEPA Technical Inquiry 0127 - Status of Flood Plain Waivers

Dear NEPA Call-In User:

This letter is in response to your July 22, 1997 request for information on the status on blanket floodplain waivers. You have reviewed NEPA Call-In Technical Inquiry (TI) 0007A which states blanket floodplain waivers are in violation of Executive Order (EO) 11988, "Floodplain Management." However, you heard that GSA General Counsel is reviewing the issue, and would like to know their opinion.

SUMMARY OF FINDINGS

GSA's Office of General Counsel concurs with the information contained in TI 0007A that blanket floodplain waivers are in violation of EO 11988. GSA may site activities in floodplains provided it follows the procedures given in GSA ADM 1095.2, "Consideration of floodplains and wetlands in decisionmaking," and EO 11988.

DETAILED FINDINGS

NEPA Call-In contacted the General Counsel, GSA National Office, who referred us to another General Counsel, GSA National Office. The referred General Counsel concurred with guidance given in TI 0007A and the Spring 1997 Update newsletter. Both documents state that blanket floodplain waivers are in violation of EO 11988, and GSA may site activities in floodplains by following the guidance contained in GSA ADM 1095.2 and EO 11988. The Federal Emergency Management Agency (FEMA) document, "Further Advice on Executive Order 11988 Floodplain Management," also contains guidelines for siting in a floodplain.

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Sincerely,

(Original Signed)

NEPA Call-In Researcher